

Office of the Secretary of the Treasury

§ 2.13

consultation with the affected official(s) and the Departmental Director of Security. Such action may include relinquishment of this authority where the Assistant Secretary (Management) determines that a firm basis for retention does not exist.

§ 2.11 Use of derivative classification [2.1].

The application of derivative classification markings is a responsibility of those who incorporate, paraphrase, restate, or generate in new form information that is already classified, and of those who apply markings in accordance with instructions from an authorized original classifier or in accordance with an approved classification guide. If an individual who applies derivative classification markings believes that the paraphrasing, restating or summarizing of classified information has changed the level of or removed the basis for classification, that person must consult an appropriate official of the originating agency or office of origin who has the authority to upgrade, downgrade or declassify the information for a final determination. A sample marking of derivatively classified documents is set forth in § 2.13.

§ 2.12 Classification guides.

(a) *General [2.2(a)]*. A classification guide is a reference manual which assists document drafters and document classifiers in determining what types or categories of material have already been classified. The classification guide shall, at a minimum:

- (1) Identify and categorize the elements of information to be protected;
- (2) State which classification level applies to each element or category of information; and
- (3) Prescribe declassification instructions for each element or category of information in terms of:
 - (i) A period of time,
 - (ii) The occurrence of an event, or
 - (iii) A notation that the information shall not be declassified automatically without the approval of the originating agency i.e., "OADR".

(b) *Review and Record Requirements [2.2(a)]*. (1) Each classification guide shall be kept current and shall be reviewed at least once every two years

and updated as necessary. Each office within the Departmental Offices and the respective offices of each Treasury bureau possessing original classification authority for national security information shall maintain a list of all classification guides in current use by them. A copy of each such classification guide in current use shall be furnished to the Departmental Director of Security who shall maintain them on behalf of the Assistant Secretary (Management).

(2) Each office and bureau that prepares and maintains a classification guide shall also maintain a record of individuals authorized to apply derivative classification markings in accordance with a classification guide. This record shall be maintained on TD F 71-01.18 (Report of Authorized Derivative Classifiers) which shall be reported annually each October 15th to the Departmental Director of Security.

(c) *Waivers [2.2(c)]*. Any authorized official desiring a waiver of the requirement to issue a classification guide shall submit in writing to the Assistant Secretary (Management) a request for approval of such a waiver. Any request for a waiver shall contain, at a minimum, an evaluation of the following factors:

- (1) The ability to segregate and describe the elements of information;
- (2) The practicality of producing or disseminating the guide because of the nature of the information;
- (3) The anticipated usage of the guide as a basis for derivative classification; and
- (4) The availability of alternative sources for derivatively classifying the information in a uniform manner.

§ 2.13 Derivative identification and markings [1.5(c) and 2.1(b)].

Information classified derivatively on the basis of source documents or classification guides shall bear all markings prescribed in § 2.7 (a) through (f), as are applicable. Information for these markings shall be taken from the source document or instructions in the appropriate classification guide.

(a) *Classification Authority*. The authority for classification shall be shown as follows:

Derivatively Classified by _____

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Office _____
Derived from _____
Declassify on _____

If a document is classified on the basis of more than one source document or classification guide, the authority for classification shall be shown on the "DERIVED FROM" line as follows: "MULTIPLE CLASSIFIED SOURCES". In these cases, the derivative classifier must maintain the identification of *each* source with the file or record copy of the derivatively classified document. A document derivatively classified on the basis of a source document that is marked "MULTIPLE CLASSIFIED SOURCES" shall cite the *source* document on its "DERIVED FROM" line rather than the term: "MULTIPLE CLASSIFIED SOURCES". Preparers of such documentation shall ensure that the identification of the derivative classifier is indicated. Use of the term "MULTIPLE CLASSIFIED SOURCES," is *not* to be a substitute for the identity of the derivative classification authority.

(b) *Downgrading and Declassification Instructions.* Dates or events for automatic downgrading or declassification shall be carried forward from the source document. This includes the notation "ORIGINATING AGENCY'S DETERMINATION REQUIRED" to indicate that the document is not to be downgraded or declassified automatically, or instructions as directed by a classification guide, which shall be shown on a "DOWNGRADE TO" or "DECLASSIFY ON" line as follows:

DOWNGRADE TO _____
ON (date, description of event, or OADR) or,
DECLASSIFY ON (date, description of event,
or OADR)

Subpart C—Downgrading and Declassification

§ 2.14 Listing downgrading and declassification authorities 3.1(b)].

Downgrading and declassification authority may be exercised by the official authorizing the original classification, if that official is still serving in the same position; a successor in that capacity; a supervisory official of either; or officials delegated such authority in writing by the Secretary of the Treas-

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ury or the Assistant Secretary (Management). Such officials may *not* downgrade or declassify information which is classified at a level exceeding their own designated classification authority. A listing of officials delegated such authority, in writing, shall be identified on TD F 71–01.11 (Report of Authorized Downgrading and Declassification Officials) and reported annually each October 15th to the Departmental Director of Security who shall maintain them on behalf of the Assistant Secretary (Management). Current listings of officials so designated shall be maintained by Treasury bureaus and offices within the Departmental Offices.

[55 FR 1644, Jan. 17, 1990; 55 FR 13134, Apr. 9, 1990]

§ 2.15 Declassification policy [3.1].

In making determinations under section 3.1(a) of the Order, officials shall respect the intent of the Order to protect foreign government information and confidential foreign sources.

§ 2.16 Downgrading and declassification markings.

Whenever a change is made in the original classification or in the dates of downgrading or declassification of any classified information, it shall be promptly and conspicuously marked to indicate the change, the authority for the action, the date of the action, and the identity of the person taking the action. Earlier classification markings shall be cancelled or otherwise obliterated when practicable. See also § 2.7(h).

§ 2.17 Systematic review for declassification [3.3].

(a) *Permanent Records.* Systematic review is applicable only to those classified records and presidential papers or records that the Archivist of the United States, acting under the Federal Records Act, has determined to be of sufficient historical or other value to warrant permanent retention.

(b) *Non-Permanent Classified Records.* Non-permanent classified records shall be disposed of in accordance with schedules approved by the Administrator of General Services under the Records Disposal Act. These schedules shall provide for the continued retention of records subject to an ongoing